

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|---|---|-------------------------------|
| ESTATE OF |) | |
| ROGER D. OWENSBY, JR., |) | |
| |) | |
| Plaintiff, |) | Case No. 1:01-CV-00769 |
| |) | |
| vs. |) | |
| |) | JUDGE SPIEGEL |
| CITY OF CINCINNATI, <i>et al.</i>, |) | |
| |) | |
| Defendants. |) | |

**NOTICE OF THE STATE OF OHIO'S
REQUEST FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF
IN SUPPORT OF THE CONSTITUTIONALITY OF
OHIO REVISED CODE CHAPTER 2744**

The State of Ohio, by and through Ohio Attorney General Jim Petro, respectfully provides notice to this Court that if Defendant City of Cincinnati's Second Motion for Reconsideration is granted, the State of Ohio would like the opportunity to file an amicus brief in support of Ohio Revised Code Chapter 2744, *et seq.* The question of the constitutionality of those statutes has already been brought before this Court. However, the Attorney General was only just recently advised of the constitutional question. Because the Attorney General is the chief law officer for the State of Ohio and all its departments, and appears for the State in matters in which the State is directly or indirectly interested – such as challenges to Ohio's statutes – it is appropriate for this Court to hear the State of Ohio regarding the constitutionality of R.C. Chapter 2744, *et seq.*

Respectfully submitted,

JIM PETRO
Attorney General

/s/ Frank M. Strigari

FRANK M. STRIGARI (0078377)

Assistant Attorney General

Constitutional Offices Section

30 East Broad Street, 17th Floor

Columbus, OH 43215-3428

(614) 466-2872

(614) 728-7592 FAX

fstrigari@ag.state.oh.us

Counsel for State of Ohio

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2005 a true copy of the foregoing *Notice of the State of Ohio's Request for Leave to File an Amicus Curiae Brief In Support of the Constitutionality of Ohio Revised Code Chapter 2744* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Frank M. Strigari

FRANK M. STRIGARI
Assistant Attorney General